

DANIEL J. MULLER, SBN 193396
dmuller@venturahersey.com
VENTURA HERSEY & MULLER, LLP
1506 Hamilton Avenue
San Jose, California 95125
Telephone: (408) 512-3022
Facsimile: (408) 512-3023

Attorney for Plaintiffs and the Class

[Full counsel listing on signature page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

MICHAEL CHABON, TA-NEHISI
COATES, JUNOT DÍAZ, ANDREW
SEAN GREER, DAVID HENRY
HWANG, MATTHEW KLAM, LAURA
LIPPMAN, RACHEL LOUISE SNYDER,
AYELET WALDMAN, AND
JACQUELINE WOODSON,

individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
Corporation,

Defendant.

Case No. 3:23-cv-04663-VC

**AMENDED JOINT STIPULATION RE
CONSOLIDATED BRIEFING ON MOTION TO
DISMISS IN KADREY AND CHABON ACTIONS**

1 This stipulation is entered into by and between Michael Chabon, Ta-Nehisi Coates, Junot
2 Díaz, Andrew Sean Greer, David Henry Hwang, Matthew Klam, Laura Lippman, Rachel Louise
3 Snyder, Ayelet Walman, and Jacqueline Woodson (collectively, “Plaintiffs”) and Defendant
4 Meta Platforms, Inc. (“Meta”) (together “the Parties”), by and through their respective counsel.

5 WHEREAS, on September 12, 2023, Plaintiffs filed their complaint against Meta
6 captioned *Chabon, et al. v. Meta Platforms, Inc.*, Case No. 3:23-cv-04663-VC (“Chabon
7 Action”), which essentially alleges the same core, non-Plaintiff-specific facts and causes of
8 action as the prior filed complaint entitled *Kadrey, et al. v. Meta Platforms, Inc.*, Case No. 3:23-
9 cv-03417-VC (Kadrey Action”).

10 WHEREAS, on September 25, 2023, the Court issued an order (“Order”) instructing the
11 Parties to inform the Court no later than September 29, 2023, as to whether the Parties would
12 stipulate that the pending motion to dismiss in the Kadrey Action (Dkt. 23) (“Motion to
13 Dismiss”) will apply to the Chabon Action.

14 WHEREAS, service was effected in the Chabon Action on or about September 26, 2023.

15 WHEREAS, on September 29, 2023, pursuant to the Order, counsel for Plaintiffs
16 notified the Court by email that the Parties had reached an agreement in principle that the
17 pending motion to dismiss in the Kadrey Action will apply to the Chabon Action.

18 WHEREAS, on October 3, 2023, the Parties filed a Joint Stipulation re Consolidated
19 Briefing on Motion to Dismiss in Kadrey and Chabon Actions. (Dkt. 10.)

20 WHEREAS, on October 5, 2023, Plaintiffs filed their First Amended Class Action
21 Complaint against Meta in the Chabon Action, which adds several new Plaintiffs and also
22 essentially alleges the same core, non-Plaintiff-specific facts and causes of action as the prior
23 filed complaint in the Kadrey Action and the original complaint in the Chabon Action.

24 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE, that Meta’s Motion to
25 Dismiss will also be deemed directed to the First Amended Class Action Complaint in the
26 Chabon Action and that any ruling by the Court will apply to both the Chabon Action and the
27 Kadrey Action. For the sake of clarity, Meta shall have no obligation to separately respond to
28 the First Amended Class Action Complaint in the Chabon Action. Further, Plaintiffs will join

1 in any opposition filed in the Kadrey Action, which will apply to both the Chabon and Kadrey
 2 Actions, and Meta will file a single reply. This unified briefing will be filed pursuant to the
 3 briefing schedule ordered by the Court in the Kadrey Action. (Dkt. 15.) This stipulation is
 4 without prejudice to either party seeking consolidation of the Chabon and Kadrey Actions or
 5 other appropriate relief as to any claims that are upheld.

6 IT IS SO STIPULATED.

7 DATED: October 5, 2023

Respectfully submitted,

8 /s/ Daniel J. Muller

9 DANIEL J. MULLER, SBN 193396
 10 **VENTURA HERSEY & MULLER, LLP**
 11 1506 Hamilton Avenue
 12 San Jose, California 95125
 Telephone: (408) 512-3022
 Facsimile: (408) 512-3023
 dmuller@venturahersey.com

13 /s/ Bryan L. Clobes

14 Bryan L. Clobes (*pro hac vice anticipated*)
 15 **CAFFERTY CLOBES MERIWETHER**
& SPRENGEL LLP

16 205 N. Monroe Street
 Media, PA 19063
 Tel: 215-864-2800
 bclobes@caffertyclobes.com

18 Alexander J. Sweatman (*pro hac vice anticipated*)
 19 **CAFFERTY CLOBES MERIWETHER**
& SPRENGEL LLP

20 135 South LaSalle Street, Suite 3210
 Chicago, IL 60603
 Tel: 312-782-4880
 asweatman@caffertyclobes.com

22 *Attorneys for Plaintiffs*

23 /s/ Angela L. Dunning

24 Angela L. Dunning (212047)
 25 **COOLEY LLP**
 26 3175 Hanover Street
 Palo Alto, CA 94304
 Tel: 650-843-5855
 adunning@cooley.com

28 *Attorneys for Defendant Meta Platforms, Inc.*

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(h)

I hereby attest that I obtained concurrence in the filing of this document from each of the other signatories. I declare under penalty of perjury that the foregoing is true and correct.

DATED: October 5, 2023

/s/Angela Dunning

Angela Dunning

Attorneys for Defendant Meta Platforms, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28